



United States Mission to the OSCE

Statement on the Human Rights Situation in the United States

As delivered by Ambassador Ian Kelly
to the Permanent Council, Vienna
June 16, 2011

Thank you, Mr. Chairman.

We appreciate Belarus raising its concerns in this forum and would welcome further delegation-to-delegation dialogue on these important issues. We would like to inform all participating States that we have scheduled a voluntary report regarding human rights in the United States under agenda item 3 for the June 29 Human Dimension Committee meeting. We will provide a more detailed response on these and other recently raised concerns at that time. Nevertheless, I do have brief responses to each of the five points made by the delegation of Belarus.

First, with respect to Guantanamo Bay: The Administration remains committed to closing this facility, and to maintaining a lawful, sustainable and principled regime for the handling of detainees there. On March 7, President Obama reaffirmed this commitment and issued an Executive Order establishing a thorough process of periodic review for Guantanamo detainees to ensure that their continued detention is carefully evaluated and justified. Moreover, because of the vital importance of the rule of law to the effectiveness and legitimacy of our national security policy, the Administration announced its support for two important components of the international legal framework, including the 1949 Geneva Convention, that cover armed conflicts.

We have indeed received a request from Special Rapporteur Professor Juan Mendez, to visit Guantanamo. This request was discussed in a meeting between Special Rapporteur Mendez and high-level State and Defense Department officials and continues to be under consideration. We would also like to emphasize that the ICRC has private access to all detainees at Guantanamo and that all detainees at Guantanamo have access to counsel.

Regarding Private Manning, the U.S. Army has transferred him from the Quantico Facility to the new Facility at Fort Leavenworth, Kansas, a state-of-the-art complex with the best and widest range of support services available to pre-trial prisoners within the Department of Defense corrections system. Individuals detained at the Facility may receive visitors, subject to limits the commander of the facility may need to place on visits for security or other reasons. I want to assure all my colleagues here that we have been in communication with Special Rapporteur Mendez about his request to visit Private Manning.

Regarding the freedom of assembly in the United States, the demonstration around the White House on March 19 merged various causes, including protesters demanding a U.S. military withdrawal from Iraq and Afghanistan as well as those supporting Bradley Manning. After protesters refused orders to continue to move from the White House, authorities said 113 protesters were arrested, processed, and given violation notices for

disobeying an official order. Shortly thereafter they either paid a small fine and were released, or were freed with a future court date.

Although we already responded to questions during the June 2 PC concerning an assembly in the Jefferson Memorial, we would like to remind our Belarusian colleague that the demonstration was inside a public building.

Finally, with respect to the hosting of web sites, in the United States, the First Amendment to our Constitution forbids the government from restricting the rights of individuals to express their views, even when others might consider those views repugnant. Exceptions to this constitutional guarantee can be made in instances of immediate incitement to violence or of criminal activity, such as child pornography.

Again I thank my Belarusian colleague for raising these issues and I thank you, Mr. Chairman.